

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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AMAURY URENA,	:	
	:	25 Civ. 512 (JPC) (GS)
Plaintiff,	:	
	:	<u>ORDER</u>
- against -	:	
	:	
THE CITY OF NEW YORK,	:	
	:	
Defendant.	:	
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GARY STEIN, United States Magistrate Judge:

On April 22, 2025, Defendant City of New York (the “City”) asked the Court to adopt its proposed briefing schedule for the City’s anticipated motion to dismiss and stay responses to Local Rule 33.2 discovery requests for sixty days after the Court rules on the City’s motion to dismiss. (Dkt. No. 15). The Court subsequently directed Plaintiff that if he wished to respond to the City’s requests, he may do so by sending a letter to the Court by Monday, May 12, 2025, and that if Plaintiff failed to respond, the Court would consider the requests unopposed. (Dkt. No. 17). Plaintiff did not respond, and on May 19, 2025, the City moved to dismiss this action pursuant to Federal Rule of Civil Procedure 12(b)(6) on the grounds that Plaintiff’s suit is barred by a General Release signed by Plaintiff on November 2, 2024. (Dkt. Nos. 18–20).

Plaintiff is hereby notified that, through its Motion to Dismiss, the City seeks dismissal of Plaintiff’s Complaint with prejudice. Plaintiff may respond to the Motion to Dismiss in one of two ways: (1) he may file a brief in opposition to

Defendant's Motion; or (2) he may file an Amended Complaint that seeks to cure the deficiencies alleged in Defendant's Motion. An amended complaint form is attached below. **If Plaintiff files neither an opposition brief nor an Amended Complaint by the deadline set forth below, the Court will treat Defendant's Motion to Dismiss as unopposed.**

The Court sets the following schedule with respect to Defendant's Motion to Dismiss:

- Plaintiff's **opposition brief** opposing Defendant's Motion to Dismiss With Prejudice (Dkt. Nos. 18–20) or **an Amended Complaint** that attempts to cure the deficiencies alleged in Defendant's Motion is **due by no later than Friday, June 27, 2025.**
- Should Plaintiff file an opposition brief, Defendant's reply, if any, is due by Friday, July 25, 2025.

SO ORDERED.

DATED: New York, New York
May 20, 2025



The Honorable Gary Stein
United States Magistrate Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Write the full name of each plaintiff.

No. _____
(To be filled out by Clerk's Office)

-against-

COMPLAINT
(Prisoner)

Do you want a jury trial?

☐ Yes ☐ No

Write the full name of each defendant. If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section IV.

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

I. LEGAL BASIS FOR CLAIM

State below the federal legal basis for your claim, if known. This form is designed primarily for prisoners challenging the constitutionality of their conditions of confinement; those claims are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a “*Bivens*” action (against federal defendants).

☐ Violation of my federal constitutional rights

☐ Other: _____

II. PLAINTIFF INFORMATION

Each plaintiff must provide the following information. Attach additional pages if necessary.

First Name	Middle Initial	Last Name
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State any other names (or different forms of your name) you have ever used, including any name you have used in previously filing a lawsuit.

Prisoner ID # (if you have previously been in another agency’s custody, please specify each agency and the ID number (such as your DIN or NYSID) under which you were held)

Current Place of Detention

Institutional Address

County, City	State	Zip Code
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III. PRISONER STATUS

Indicate below whether you are a prisoner or other confined person:

☐ Pretrial detainee

☐ Civilly committed detainee

☐ Immigration detainee

☐ Convicted and sentenced prisoner

☐ Other: _____

IV. DEFENDANT INFORMATION

To the best of your ability, provide the following information for each defendant. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are identical to those listed in the caption. Attach additional pages as necessary.

Defendant 1:

First Name	Last Name	Shield #
Current Job Title (or other identifying information)		
Current Work Address		
County, City	State	Zip Code

Defendant 2:

First Name	Last Name	Shield #
Current Job Title (or other identifying information)		
Current Work Address		
County, City	State	Zip Code

Defendant 3:

First Name	Last Name	Shield #
Current Job Title (or other identifying information)		
Current Work Address		
County, City	State	Zip Code

Defendant 4:

First Name	Last Name	Shield #
Current Job Title (or other identifying information)		
Current Work Address		
County, City	State	Zip Code

V. STATEMENT OF CLAIM

Place(s) of occurrence: _____

Date(s) of occurrence: _____

FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and how each defendant was personally involved in the alleged wrongful actions. Attach additional pages as necessary.

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and extend across the width of the page. There are no margins, text, or other markings on the paper.

INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

VI. RELIEF

State briefly what money damages or other relief you want the court to order.

VII. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I understand that if I file three or more cases while I am a prisoner that are dismissed as frivolous, malicious, or for failure to state a claim, I may be denied *in forma pauperis* status in future cases.

I also understand that prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions, 42 U.S.C. § 1997e(a), and that my case may be dismissed if I have not exhausted administrative remedies as required.

I agree to provide the Clerk's Office with any changes to my address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

Dated	Plaintiff's Signature
First Name	Middle Initial
	Last Name
Prison Address	
County, City	State
	Zip Code

Date on which I am delivering this complaint to prison authorities for mailing: _____